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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,229	06/18/1999	STEVEN R. WILLIS	AGM-005	7390

26615 7590 02/26/2003

HARRITY & SNYDER, LLP  
11240 WAPLES MILL ROAD  
SUITE 300  
FAIRFAX, VA 22030

EXAMINER

DO, NHAT Q

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/336,229

Applicant(s)

WILLIS, STEVEN R. 

Examiner

Nhat Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 17, 19, and 20 is/are rejected.
- 7) ☒ Claim(s) 16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 12/10/02. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 6-11, 13-15, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,115,373 to Lea.

Regarding to claims 1, Lea discloses a device with line cards ATM/IP (Fig. 1) comprising:

An interface (L-RCV) for receiving data stream from a single port (Fig. 2, Fig. 8; col. 3, lines 58-61; col. 4, lines 34-37);

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An IP packet forwarding facility (P-IP, and MEM-I) for receiving and forwarding IP packet (Fig. 8; col. 4, lines 41-44; col. 6, lines 38-53);

An ATM cell forwarding facility (P-ATM, and MEM-A) for receiving and forwarding ATM cell (Fig. 8; col. 4, lines 41-44);

Since Lea describes IP packets and ATM cells are mixed on a link (Fig. 2, col. 3, lines 58-60), but IP packets and ATM cells are handled in separate facility, it is inherent that the interface (L-RCV) taught by Lea comprises an device/director for identifying ATM cells and IP packets, and forward ATM cells and IP packet to proper facility.

Regarding to claims 2, 3, 19, and 20, Lea discloses the device is a chip (Col. 3, lines 49-52), and it is inherent that device comprises a housing that house the forwarding facilities.

Regarding to claims 6, 7, 11, and 13, Lea further discloses the device includes output ports for outputting data (Fig. 1; col. 3, line 40), and an ATM forwarding facility comprises ATM cell lookup (Fig.4) for forwarding ATM cells and an IP forwarding facility comprises IP packet lookup (Fig.4) for forwarding IP packet.

Regarding to claim 8, ATM data is layer 2 data and IP data is layer 3 data.

Regarding to claim 9, Lea discloses using ATM protocol for ATM data (Fig. 4).

Regarding to claim 10, Lea discloses using Internet protocol for IP data (Fig. 4; col.6, lines 33-38).

Regarding to claim 14, Lea discloses the device in folded form with input/output ports, and line cards (Fig. 7b).

Regarding to claim 15, Lea discloses the line cards is interconnected by the interconnect SWITCH (Fig. 7b).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea as applied to claim 1 above, and further in view of U.S. Patent No. 5,828,844 to Civanlar et al..

Regarding to claims 5, and 12, Lea fails to disclose using SONET frame for containing input data and the device comprises a deframer for deframing the SONET frames. Civanlar et al. disclose a communication system wherein IP and ATM data are transmitted in SONET (Col. 5, lines 47-54). A skilled artisan would have been motivated to use SONET to transmit data in order to provide fast Internet service to users. Consequently, a skilled artisan would also have been motivated to add a deframer for deframing SONET frames due to nature of SONET. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to use SONET frame for containing input data and add a deframer in front of the device taught by Lea for deframing the SONET frame.

Regarding to claim 17, neither Lea nor Civanlar et al. discloses inputting an OC-48 data stream to the device. However, it is well known in the art that SONET standard designates signal formats in different levels (OC-3, OC-12, or OC-48...) wherein a low level (OC-3) has a lower bit rate than a level higher than that (OC-12). A skilled artisan would have been motivated to select OC-48 (or any OC level) of signal frame depending on requirement of a real situation.

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Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to input an OC-48 to the device taught by Lea modified by Civanlar et al..

***Allowable Subject Matter***

6. Claims 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 12/10/02 have been fully considered but they are not persuasive.

8. Applicant has asserted that Lea fails to disclose an input interface that is configured to receive data stream from a single port, identify ATM cells and IP packets within the data stream and forward the ATM cells and IP packets (Remark page 8). In response, Lea does disclose the claimed features, which are mentioned in detail in the rejection of claim 1.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

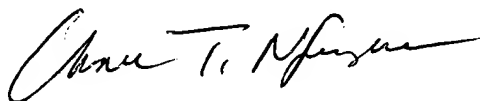
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhat Do  
Examiner  
Art Unit 2663

ND

February 20, 2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600